

REMARKS

Upon entry of the present Reply, claims 1-6, 8-13 and 15-22 are pending in the application. Claims 1, 8, 10 and 15 are amended herein. The amendment of the claims is supported in the claims as filed. Claims 7 and 14 are cancelled. New claims 21 and 22 are added. New claim 21 corresponds to original claim 20. New claim 22 is supported, for example, in Fig. 4.

For at least the reasons which follow, Applicants respectfully request reconsideration of the application, withdrawal of the asserted objections and rejections, and allowance of the claims.

Objection to Drawings

In response to the objection to the drawings, that is, in that reference symbols 414a and 414b, used in Fig.4, were inadvertently referred to in reverse in the specification at pages 13 and 14, rather than amend the drawings, the specification has been amended hereinabove in order to correctly refer to these reference symbols at appropriate points in the specification. Applicants respectfully submit that this amendment includes no new matter, and respectfully request withdrawal of this objection.

Declaration Under 37 C.F.R. 1.131

Applicants submit herewith a Declaration Under 37 C.F.R. 1.131 by each of the inventors¹. As set forth in detail in the Declaration and shown by the Exhibits attached thereto, the presently disclosed and claimed invention was conceived and made by the present inventors on a date prior to the filing date of U.S. Patent No. 7,029,832 B2, which was 11 March 2003, and the Applicants were diligent in having the application prepared and filed on 01 March 2004, a date subsequent to the filing date of U.S. Patent No. 7,029,832 B2.

¹ Applicants submit herewith separate signature pages for some of the inventors, who are no longer employed by the assignee of this application.

As shown in the Declaration, particularly in Exhibit B in the "Brief description and sketch of the invention", prior to 11 March 2003, the present inventors conceived a process for fabricating a semiconductor device, including the steps of applying an immersion lithography medium to a surface of a semiconductor wafer; exposing a material on the surface of the semiconductor wafer to electromagnetic radiation having a selected wavelength; applying supercritical carbon dioxide to the semiconductor wafer to remove the immersion lithography medium from the surface of the semiconductor wafer; and following the step of applying supercritical carbon dioxide to the wafer, obtaining a mixture of the immersion lithography medium removed from the surface and carbon dioxide and recovering the immersion lithography medium from the mixture, as claimed in the presently pending claims.

Applicants respectfully submit that this Declaration effectively removes U.S. Patent No. 7,029,832 B2 as a reference against the claims of the present application.

Rejection of Claims under 35 U.S.C. §§ 102(e) and 103 over Rolland et al.

Claims 1-6 and 9-13 stand rejected as anticipated by Rolland et al., U.S. Patent 7,029,832 B2, and claims 7, 8 and 14-20 stand rejected as obvious over Rolland et al. in view of Costantini et al., U.S. Patent No. 6,612,317. Applicants respectfully traverse the rejection of the claims for the following reasons.

Independent claims 1 and 10, and therefore all of the claims depending on these claims, have been amended to incorporate the subject matter of claim 7, which subject matter is also included in original claim 16. For the following reason, Applicants respectfully submit that all of the claims are in condition for allowance, since as noted above, the Declaration under Rule 1.131 effectively removes Rolland et al. as a reference against the present claims, since it was a reference only under 35 U.S.C. § 102(e), and the presently pending claims do not claim the same patentable invention as in Rolland et al. Therefore, since Rolland et al. formed the basis for all of the rejections, there is no longer in any basis in the art of record to reject the claims under either 35 U.S.C. § 102(e) or 35 U.S.C. § 103(a).

Accordingly, Applicants respectfully request the Examiner to withdraw the rejections of Applicants' presently pending claims over Rolland et al. in view of Costantini et al.

Applicants respectfully submit that all of the presently pending claims patentably distinguish over the cited references. Applicants respectfully request the Examiner to withdraw the rejection of the claims.

CONCLUSION

For the foregoing reasons, Applicants respectfully submit that all of the presently pending claims patentably distinguish over the prior art generally, and over Rolland et al. or combinations thereof with Costantini et al., and that all of Applicants' claims are therefore in condition for allowance. Applicants request the Examiner to so indicate.

If the Examiner considers that a telephone interview would be helpful to facilitate favorable prosecution of this application, the Examiner is invited to telephone the undersigned.

If any additional fees are required for the filing of this paper, please charge the fee to Deposit Account No. 18-0988, Order No. H1559 (AMDSPH1559).

Respectfully submitted,
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